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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pen Cho TANG et al.

Title: PYRROLE SUBSTITUTED 2-INDOLINONE PROTEIN KINASE INHIBITORS

Appl. No.: 10/081,147

Filing Date: 02/25/2002

Examiner: Sonya N. Wright

Art Unit: 1626

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Box NON-FEE AMENDMENT
Washington, D.C. 20231

Sir:

This reply is in response to the restriction requirement set forth in the Office Action mailed August 26, 2002.

IN THE CLAIMS

Please cancel claims 6, 7, 8 and 17 without prejudice or disclaimer. The claims have been canceled because the subject matter of said claims has been allowed in U.S. Patent Application Serial No. 09/322,297, now U.S. Patent No. 6,395,734.

RESPONSE TO RESTRICTION

Applicant hereby provisionally elects Group I, Claims 1-12, 15, 23 and 24, drawn to compounds and compositions, for examination, with traverse.

Applicants' traverse the restriction requirement on the ground that there is no undue burden on the Examiner to examine the two groups together. The Examiner has set forth a restriction requirement separating the claims into two separate groups. It is respectfully submitted that pursuant to the *Official Gazette* notice of March 26, 1996 which establishes guidelines for treatment of product and process claims in light of *In re Ochiai*, claims 13, 14 and 16-22 should be included herein for consideration on the merits. At the minimum,

method of use claims of the same scope as the formulation claims should be rejoined when the formulation claims are found to be allowable.

Applicants provisionally elect with traverse as the species of example 48, page 154 of the present specification for initial search and examination the following compound: 3-[4-(3-Dimethylaminopropyl)-3,5-dimethyl-1H-pyrrol-2-ylmethylene]-1,3-dihydroindol-2-one.

It is understood that should the Examiner find the above species allowable, then the search and examination of the entire application will proceed according to the procedure set forth in MPEP § 803.02.

Applicants also reserve the right to file a divisional application covering the subject matter of the non-elected claims.

Receipt of the initial Office Action on the merits is awaited.

Respectfully submitted,

Date Sept. 24, 2002

By Mary C. Till

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